

**ORDINANCE NO. 08-93**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA DECLARING A BUILDING AND ZONING MORATORIUM ON THE ACCEPTANCE OF ZONING APPLICATIONS, VARIANCE AND SPECIAL AND CONDITIONAL USE PERMIT APPLICATIONS, AND ON PROVIDING ZONING APPROVALS OF LICENSE APPLICATIONS, ALL IN CONNECTION WITH APPLICATIONS FOR NEW PAWNSHOPS OR APPLICATIONS FROM EXISTING BUSINESSES FOR PAWNSHOPS, FOR A PERIOD OF 270 DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, in April 2008, the Mayor and Police Chief established a Pawnshop Unit comprising of two detectives to focus its efforts on pawnshop activities within the City; and

**WHEREAS**, at the request of the City Council, Police Chief Mark N. Overton issued a Report on the subject of pawnshops, including an overview, an evaluation and recommendation; and

**WHEREAS**, accompanying the Report issued by the Police Chief was a memorandum detailing the results of the Pawnshop Unit during a five-month period; and

**WHEREAS**, from April through August, the three separate pawnshop operators were arrested for criminal activities, a number of persons were arrested for pawning stolen articles and one employee of a pawnshop was arrested for jewelry theft; and

**WHEREAS**, the Report recommended, based in part of a survey of other law enforcement agencies investigations and monitoring of pawnshop activities within their respective jurisdictions, that a building and zoning moratorium be enacted to allow for the implementation of a uniform computerized, automated reporting system through software provided by the City; and

**WHEREAS**, the recommendation is a six-month moratorium to implement the automated reporting system among 53 pawnshop businesses and the 7 second-hand dealer stores that have pawnshop licenses located within the City and an additional three-months to evaluate the data generated by the automated reporting system; and

**WHEREAS**, the City has a disproportionately high number of pawnshops of the total number of pawnshops licensed in Miami-Dade County, with only 8% of the total population of Miami-Dade County, the City has over 25% of the licensed pawnshops; and

**WHEREAS**, the City of Hialeah finds that it would be inimical and detrimental to the health, safety, welfare of the community and orderly development and planning in the City to allow continued zoning and further construction of new pawnshops and licensing new pawnshops or pawnshop activity in existing businesses until an automated reporting system is functioning and tested so that the police department has proper investigative tools and resources to effectively monitor activities of pawnshops and curtail criminal activity pursuant to Hialeah Code § 14-6.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The foregoing facts and recitations contained in the preamble to this ordinance is hereby adopted and incorporated herein by reference as if fully set forth herein.

**Section 2:** The City of Hialeah, Florida hereby declares a moratorium on the acceptance of zoning applications, variance and special and conditional use applications, and on providing zoning approvals of license applications for new pawnshops or applications from existing businesses for pawnshops, for a period of 270 days from the effective date of this ordinance.

**Section 3:** **Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 5: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 6: Effective Date.**

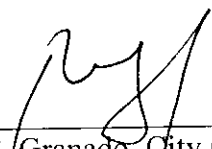
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

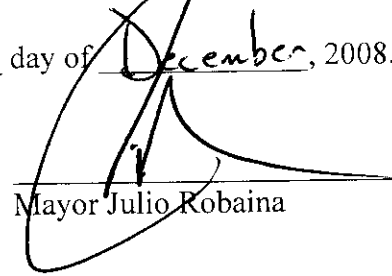
PASSED and ADOPTED this 9th day of December, 2008.

  
Carlos Hernandez  
Council President

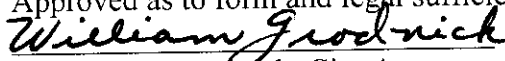
Attest:

Approved on this 11 day of December, 2008.

  
Rafael E. Granado, City Clerk

  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".